

REMARKS

In the non-final Office Action, mailed November 15, 2006, claims 1-39 were considered and rejected. Claims 1-7, 10, 11, 14-24, 37 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Perlman* (U.S. Patent No. 5,893,444). The remaining claims (i.e., claims 8, 9, 12, 13, 25-36 and 39, were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Perlman* (U.S. Patent No. 5,893,444) as combined with one or more of the following references: *Tetsumura* (U.S. Patent No. 5,793,409), *O'Callaghan* (U.S. Patent No. 5,594,492), *Jennings* (U.S. Publ. No. 2004/0025186), *Yen* (U.S. Patent No. 6,668,278), *Block* (U.S. Patent No. 6,675,384).¹

By this paper, claims 1, 11, 14, 16, 25 and 39 have been amended, while no claims have been added or cancelled.² Accordingly, following this paper, claims 1-39 remain pending, of which claims 1, 25 and 37 are the only independent claims at issue.

As reflected in the above claim listing, the claims are generally directed to embodiments for executing an interruption operation such as a pause or volume reducing operation on media content. Claim 1, for example, recites a method which includes, as media content is being obtained from a content source and output by the output device, detecting a first event associated with another device communicatively connected to a computing device. In response to detecting the first event, and while maintaining a connection with the content source, an interruption operation is automatically performed on the media content such that the output of the media content is modified to be later restored without a loss of continuity. As noted, the first event which triggers the operation can include a telephone related event, the receipt of an email, or detecting that a viewer has left the viewing area.

The only other independent claims at issue include claim 37, which is a computer program product claim corresponding to the method of claim 1, and claim 25, which is directed to a similar embodiment in which priority values are assigned to particular events for determining the interruption operation to execute.

¹ Although the prior art status of the cited references is not being challenged at this time, inasmuch as it is unnecessary in view of the remarks and amendments herein, Applicant reserves the right to challenge the prior art status of the cited references at any appropriate time, should the need arise, such as in a subsequent amendment or in prosecution of a related case.

² Support for the above claim amendments can be found throughout Applicant's original application, including at least the disclosure found in paragraphs 4, 7, 8 and 34-36 of the originally filed application.

While *Perlman* generally relates to a method and apparatus for pausing communication between a client 1 and a modem pool 2 in response to detecting a Call Waiting event, Applicant respectfully submits that it fails to disclose or suggest each of the limitations of the pending claims. For example, among other things, *Perlman* fails to disclose or suggest maintaining a connection with the content source while executing an operation on the media content such that it is modified and can later be restored without a loss of continuity, as claimed in combination with the other claim elements.

In particular, *Perlman* discloses a system in which a WebTV client 1 is connected to a modem pool 2 over a plain old telephone service (POTS) or other similar connection. (Col. 3, ll. 55-62; Fig. 1). The same communication line used by the WebTV client may also be used by one or more conventional telephone sets 10, which use the line for voice communication, and/or one or more personal computers 12 which use the line for data communication. (Col. 5, ll. 10-17).

In such a system, when the WebTV client is connected to the modem pool, and thus occupying the POTS line, an incoming call may be received which triggers a Call Waiting event. (Col. 5, ll. 35-43). In response to such an event, "the client automatically disconnects from the modem pool" and then reconnects at a later time. (Col. 5, ll. 54-60). Specifically, when the Call Waiting event is detected by the WebTV client, the client saves information describing the current browsing state to its memory, including all of the information necessary to identify the exact web site at which the user was browsing. (Col. 5, ln. 60 to Col. 6, ln. 2). The client then automatically disconnects from the modem pool and waits a predetermined time period. (Col. 6, ll. 2-6). If the client determines that the incoming call is still being received, the client then automatically reconnects with the modem pool and resumes the previous state of browsing based on the status information that was saved. (Col. 6, ll. 16-20).

A similar process occurs when the user of the WebTV client has Caller ID. In particular, when an incoming telephone call is received while the user is browsing the Web, the client again disconnects from the modem pool after saving browsing status information. (Col. 6, ll. 29-39). The client thereafter causes a message to be displayed indicating that an incoming call is being received, which can be supplemented by Caller ID information, if available, or an indication that the caller is unknown. (Col. 6, ll. 39-55). A user can accept the call by picking up a telephone set or, if the user does not accept the call, the system automatically answers the call and digitally

records any message from the caller. (Col. 6, ll. 55-62). The user can thereafter connect to the Internet and a database can be queried to obtain any information about a caller for storage on the client, which can thereafter be used the next time the caller places a call to the user of the client. (Col. 6, ln. 62 to Col. 7, ln. 18).

Accordingly, in contrast to the pending claims, in which in response to an event (e.g., telephone event, email, or detection of a viewer leaving the viewing area), an interruption operation is automatically executed and the output modified in a manner that allows it to be later restored without loss of continuity with the media output, while still maintaining a connection with the content source, *Perlman* expressly teaches away from such a method. Specifically, *Perlman* teaches away from maintaining a connection during an interruption event and discloses that in response to an event such as an incoming phone call, which creates a Call Waiting event, the browsing activities of the user are paused by automatically disconnecting the client from the modem pool. Thus, while *Perlman* would discontinue any continued receipt of the content during the interruption, and require a reconnection to occur before the content can be resumed, Applicant's invention, as claimed, allows a viewer to continue to receive content during the pause (e.g., by recording it to a local storage device for time-delay purposes) and to almost instantly resume playback of the time-shifted content without any delay caused by reconnecting to the content source (e.g., a content broadcaster, DVD, etc.).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney by telephone at (801)533-9800.

Dated this 15th day of February, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger".

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